

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THOMAS NICHOLAS,

Plaintiff,

14cv61

**ELECTRONICALLY FILED**

v.

THE NATIONAL FOOTBALL LEAGUE,  
NEW YORK GIANTS FOOTBALL CLUB,  
INC., NEW YORK JETS FOOTBALL  
CLUB, INC.

Defendants.

**MEMORANDUM ORDER RE: FAILURE TO PAY FILING FEE OR  
FILE IN FORMA PAUPERIS MOTION**

Pro Se Plaintiff filed claims against the National Football League (“NFL”), New York Giants Football Club Inc. (“New York Giants”), and New York Jets Football Club Inc. (“New York Jets”) because they deceive fans because they claim to be based in New York State but have stadiums in New Jersey. Doc. No. 2. Plaintiff alleges that he has been injured because he has purchased over \$6,500 worth of team merchandise (from 1996-2008) and was misled by the teams’ names. Plaintiff alleges that Defendants have violated the Lanham Act, 15 U.S.C. § 1125, and “false destination of origin” and moves this Court to issue a preliminary injunction enjoining the teams from broadcasting, marketing, merchandising, and copyrighting. Id.

The Court notes that Plaintiff has not paid the required filing fee or filed an appropriate In Forma Pauperis Motion. Therefore, the matter is not properly before this Court. Plaintiff shall pay the required filing fee or file an appropriate In Forma Pauperis Motion on or before January 30, 2014. Failure to do so will result in the case being dismissed. The Court will conduct its

screening function to determine if Plaintiff's Complaint is frivolous once Plaintiff pays a filing fee or files a Motion to Proceed In Forma Pauperis.

SO ORDERED this 16<sup>th</sup> day of January, 2014,  
s/ Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: All Registered ECF Counsel and Parties

Address as of 1/16/2014  
Thomas Nicholas  
JB6273  
301 Institution Dr.  
Bellefonte, PA 16823

Address beginning on 1/20/14  
Thomas Nicholas  
23 Hasbrouck Ave  
Butler, NJ 07405